PAC

Docket No.: 1405.1025

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Noboru lwayama et al.

Serial No. 09/656,418

Group Art Unit: 2143

Confirmation No. 9545

Filed: September 6, 2000

Examiner: Mauro Jr., Thomas J.

For: COMMUNICATION MEANS NOTIFICATION METHOD AND NOTIFICATION SYSTEM

OR IN THE ALTERNATIVE TO REVIVE UNDER 37 CFR 1.137(a) OR (b)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment was mailed January 20, 2006 and received at the offices of the undersigned on January 25, 2006 indicating that the subject application had been abandoned because no corrected drawings have been received. The reason that no drawings were submitted is that (1) what drawing corrections were required was not communicated to the Applicant and (2) the undersigned was informed by the Examiner that the requirement for corrected drawings was issued in error.

Attached hereto as Exhibit A is a printout of the Patent Application Information Retrieval (PAIR) system indicating that on August 26, 2005 seven pages were generated associated with a Notice of Allowance and Fees Due (PTOL-85). Attached as Exhibit B are all of the pages downloaded from the PAIR system. Although the Notice of Allowability (PTOL-37) has box 6 and sub box (1) of sub box (a) checked, sub box (a) is not checked and nothing was attached to the Notice of Allowability indicating what drawing changes were required. Shortly after receipt of the Notice of Allowability, the undersigned spoke to Examiner Pwu on September 12, 2005 and was told that these boxes should not have been checked on the Notice of Allowability and the drawings were acceptable.

For the above reasons, it is submitted that the abandonment of the application should be withdrawn. If it is the position of the Patent and Trademark Office that the word an examiner

cannot be trusted, then revival of the application under 37 CFR 1.137(a) is respectfully requested, because the abandonment was unavoidable due to the inability of the Applicant to determine what drawings to file to meet the requirement. If the application is not revived on this basis, then revival of the application under 37 CFR 1.37(b) is respectfully requested, since payment of the Issue Fee is clear indication that the Applicant did not intend to allow the application to become abandoned.

It is submitted that no fee should be required, since the error is a Patent Office error. However, if any fee is deemed necessary, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2/3/06

By:

Richard A. Gollhofer Registration No. 31,106

1201 New York Ave, N.W., 7th Floor

Washington, D.C. 20005 Telephone: (202) 434-1500 Facsimile: (202) 434-1501



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PATENT APPLICATION INFORMATION RETRIEVAL



APPLICATION INFORMATION RETRIEVAL

1		PROSECUTION	Specification	06/30/2005	
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	3	PROSECUTION	Notice of Allowance and Fees Due (PTOL-85)	08/26/2005	
	_ ـ	PROSECUTION	Notice of Allowance and Fees Due (PTOL-85)	08/26/2005	
		PROSECUTION	Issue Information including classification, examiner, name, claim, renumbering, etc.	08/26/2005	
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UNITED STATES DEPARTMENT OF COMMERCE United States Parent and Trademark Office Address: COMMISMONER FOR PATENTS

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08/26/2005

STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005

EXAMINER

PWU, JEFFREY C

ART UNIT

PAPER NUMBER

DATE MAILED: 08/26/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,418	09/06/2000	Noboru Iwayama	1405.1025/JDH	9545

TITLE OF INVENTION: COMMUNICATION MEANS NOTIFICATION METHOD AND NOTIFICATION SYSTEM

APPLN. TYPE	SMALL ENTITY	-ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	11/28/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current **SMALL ENTITY status:**

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B -Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

(571) 273-2885 or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission. CURRENT CORRESPONDENCE ADDRESS (Note: Use Block I for any change of address) 7590 08/26/2005 21171 STAAS & HALSEY LLP Certificate of Mailing or Transmission I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below. SUITE 700 1201 NEW YORK AVENUE, N.W. **WASHINGTON, DC 20005** (Date FIRST NAMED INVENTOR CONFIRMATION NO. ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE 1405.1025/JDH 9545 09/656,418 09/06/2000 Noboru Iwayama TITLE OF INVENTION: COMMUNICATION MEANS NOTIFICATION METHOD AND NOTIFICATION SYSTEM PUBLICATION FEE TOTAL FEE(S) DUE DATE DUE SMALL ENTITY ISSUE FEE APPLN, TYPE 11/28/2005 \$1400 02 \$1400 NO nonprovisional EXAMINER ART UNIT CLASS-SUBCLASS 2143 709-227000 PWU, JEFFREY C Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. (B) RESIDENCE: (CITY and STATE OR COUNTRY) (A) NAME OF ASSIGNEE Please check the appropriate assignee category or categories (will not be printed on the patent): 🔲 Individual 🚨 Corporation or other private group entity 🚨 Government 4b. Payment of Fee(s): 4a. The following fee(s) are enclosed: A check in the amount of the fee(s) is enclosed. Issue Fee Publication Fee (No small entity discount permitted) Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Advance Order - # of Copies Deposit Account Number (enclose an extra copy of this form). 5. Change in Entity Status (from status indicated above) a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignce or other party in interest as shown by the records of the United States Patent and Trademark Office. Authorized Signature Registration No. Typed or printed name

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria Virginia 22313-1450

APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/656,418	0	9/06/2000	Noboru Iwayama	1405.1025/JDH	9545 .	
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STAAS & HA SUITE 700	LSEY LL	.P	·	PWU, JEFFREY C		
1201 NEW YO	RK AVEN	UE, N.W.	•	ART UNIT PAPER NUMBER		
WASHINGTON				2143		
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 671 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 671 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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PATENT APPLICATION INFORMATION RETRIEVAL



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08/26/2005	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	-	>	
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06/30/2005	Specification	PROSECUTION	1		

06/30/2005	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1	
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FEB 0.3 7000	CADDIICATION NO.	Applicant(s)	
PROPERTINADES	09/656,418	IWAYAMA ET AL.	
A THINK	Examiner	Art Unit	
	Jeffrey C. Pwu	2143	

Notice of Allowabi -- The MAILING DATE of this All daims being allowable, PROSECUTION herewith (or previously mailed), a Notice of NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. This communication is responsive to 6/30/2005. 2. The allowed claim(s) is/are 12-18 and 31. 3. The drawings filed on _____ are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. _ 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) I including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) A hereto or 2) to Paper No./Mail Date _ (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Notice of References Cited (PTO-892) 5. Notice of Informal Patent Application (PTO-152) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413). Paper No./Mail Date 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08). 7. Examiner's Amendment/Comment Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit 8. Examiner's Statement of Reasons for Allowance of Biological Material 9. 🔲 Other ___

PRIMARY EXAMINER



Index of Claims

Application/Control No.

09/656,418 Examiner

Applicant(s)/Patent under Reexamination

IWAYAMA ET AL.

Art Unit

Jeffrey C. Pwu

2143

✓ Rejected= Allowed

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Application/Control No.	Applicant(s)/Patent under Reexamination
09/656,418	IWAYAMA ET AL.
Examiner	Art Unit
leffrey C Pun	2143

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SEARCH NOTES (INCLUDING SEARCH STRATEGY)										
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Issue	Classification

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Claims renumbered in the same order as presented by applicant								□ СРА			☐ T.D.			☐ R.1.47					
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	26			56_			86			116			146			176			206
	27			57			87			117			147			177			207
	28			58			88			118			148			178			208
	29			59			89			119			149			179			209
	30			60			90			120			150			180			210